



## **TOWING SAFETY ADVISORY COMMITTEE**

### **TASK 20-01**

#### **Recommendations for the Criteria Used to Apply the Term “Occasional Towing” (Short Title – Occasional Towing)**

#### **Final Report and Recommendations**

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## **TOWING SAFETY ADVISORY COMMITTEE**

September xx 2020

To: Towing Safety Advisory Committee

From: Laura Wilcox, Chair  
Eric Johansson, Co-Chair

RE: Task 20-01  
**"Recommendations for the Criteria Used to Apply the Term "Occasional Towing"**

At the March 10, 2020 the Towing Safety Advisory Intersessional Committee meeting a subcommittee was tasked with providing Review of and recommendations ("Recommendations for the Criteria Used to Apply the Term "Occasional Towing").

Laura Wilcox was nominated for Chairman and Eric Johansson was nominated as Co-Chair of this Subcommittee. Both nominations were approved by TSAC members without dissent.

Subcommittee participants include TSAC members, industry, and Government Agencies. A complete list of participants is attached as Enclosure (1) to this report.

Respectfully Submitted,

Laura Wilcox,  
TASK 20-01 Subcommittee Chair

Enclosure: (1) TSAC Representatives & Subcommittee Participants  
(2) Task Statement 20-01

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## **BACKGROUND AND APPROACH:**

The Towing Safety Advisory Committee has previously made recommendations to the US Coast Guard regarding the scope and applicability of 46 CFR subchapter M certification for towing vessels. Using the past reports from TSAC regarding Subchapter M and a gap analysis of Subchapter M and other subchapters of 46 CFR, this subcommittee will determine an appropriate definition of “occasional towing” as it applies to vessels that are certificated under other subchapters. This analysis keeps the safety of mariners, vessels, and the environment at the forefront of any recommendation.

## **PLAN OF ACTION (POA)**

1. Gather and review past TSAC recommendations pertaining to towing safety/operations.
2. Analyze risk factors related to towing safety/operations and the portions of 46 CFR that attempt to mitigate such risks.
3. Produce a gap analysis between Subchapter M and other subchapters as related to towing risks.
4. Analyze current trends in “occasional towing” being undertaken by other segments of the maritime industry.
5. Determine if all towing operations can safely be undertaken by non-Subchapter M certificated inspected vessels.
6. Determine how often a non-Subchapter M certificated inspected vessel should be permitted to undertake towing operations without a certificate of inspection under Subchapter M.
7. Present finding and recommendations to TSAC Members and solicit feedback.
8. Submit Final Report not later than December 4, 2020.

## **ACTION**

1. TASK Chair Laura Wilcox was nominated by TSAC
2. Eric Johansson appointed Co-Chair
3. Committee consist of broad industry representatives from the towing industry, offshore supply Industry, regulatory bodies, class societies, and others
4. Teleconference Meetings were held on Aug 28, 2020 and Sept 15, 2020.
5. Reviewed past TSAC recommendations
6. Developed a gap analysis to show the differences between various subchapters with regards to regulations on safety, stability, safety management systems, and equipment

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maintenance.

7. Procured feedback from subcommittee members along with a position letter from OMSA to draft an interim report.
8. Draft Report submitted for consideration to TSAC at the October, 2020 teleconference.
9. Final Report and Recommendations to be presented for consideration by Towing Safety Advisory Committee in December, 2020 for a final vote.

## **SUMMARY OF COMMITTEE TASK 20-01**

1. Subcommittee held meetings on Aug 28, 2020 and Sept 15, 2020 to review current TASK 20-01 and past TSAC TASK 16-01, 14-01, 13-02, 13-03, 13-06, 13-10, 12-01, and 12-02
2. Risk Factors were discussed and included Personnel (qualifications, experience, and
3. manning), Safety Management Systems, Intact Stability, towing gear selection and rigging, structural fittings, Vessel Safety, Crew Safety, and Navigation Safety
4. The Committee all agreed as follows:
  - a. Vessels engaged in towing should be under the command of qualified deck (Towing Endorsement) and engine officers and crewed with appropriate level of AB's as per Subchapter B
  - b. Towing Safety Management System is critical to safe operations
  - c. Vessel stability calculations to include point of tow and towing stability.
  - d. All crew members working on deck don lifesaving gear as per Subchapter M
  - e. Towing points must be foundationally sound and inspected
  - f. Tow Gear must be tracked and documented to ensure quality and integrity
  - g. Towing Arrangements must be reviewed and approved
  - h. Emergency Towing arrangements must be reviewed and approved
5. Gap Analysis of inspected vessels and Inspected Towing Vessels vary widely and thus required detailed analysis. The Committee request that the USCG provide a list of specific types of vessels.
6. The USCG, nor any other government or non-government organization has collected any data regarding occasional towing. Segments of the Maritime Industry do currently engage with forms towing they do not consider as towing. Examples include the towing of survey gear and "Static Towing". The United States Code defines towing vessel as "*a commercial vessel engaged in or intending to engage in the service of pulling, pushing, or hauling alongside, or any combination of pulling, pushing, or hauling alongside*" therefore, both the towing of survey gear and Static Towing are considered towing under United States Code. The status, inspected, uninspected, or

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Class of vessels acting as towing vessels in the towing of survey gear or performing “Static Towing” is unknown.

7. The committee considered and had a lengthy discussion regarding this question. Quality management cannot manage what is not measured and as such, without hard data from the USCG or Industry to support, the committee is unable to postulate an educated answer
8. In reviewing comparable regulations, a number of members of the subcommittee commented on the current policy by the USCG of granting permits for vessels to temporarily waive Load Line requirements or for one-time permits for excursion parties on non-passenger vessels. The general consensus of the subcommittee was that these types of one-time permits were in-line with the intent of the “occasional towing” exemption. The point at which the “occasional towing” exemption departs from these long-standing permits is in Coast Guard oversight and tracking of such permits. At this time, the Coast Guard does not track which vessels are operating under an “occasional towing” exemption or how often these vessels operate. In short, an OCMI has no centralized way of knowing if a certain vessel is doing work that is actually “occasional” or if that vessel is moving from one OCMI zone to another doing constant towing operations but skirting the regulations by claiming “occasional”.
9. In keeping with the current use of “occasional” permits, the subcommittee agrees that the parameters used by the Coast Guard in issuing Load Line exemptions, excursion permits, or other dispensations outside of a vessel’s normal scope of work should be consistent with Subchapter M exemptions. The Coast Guard should work with the vessel owner to ensure that compliance with the intent of Subchapter M is adhered to by making pre-voyage inspections and ensuring that voyage and tow planning is adequate for the type of tow and expected route.
10. The type of “occasional” work that was presented by various members of the subcommittee spanned a range from offshore supply vessels who were providing “static tows” to offshore assets to landing craft towing barges to reposition construction equipment from one work area to another. It is our intent to add to the list of acceptable types of tows that may be undertaken on an occasional basis, based on feedback from the committee as a whole.

## **DEFINITIONS**

1. *Excursion party* means a temporary operation not permitted by the vessel's COI. It is typically recreational in nature and 1 day or less in duration.

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2. *Officer in Charge, Marine Inspection* or *OCMI* means an officer of the Coast Guard designated as such by the Coast Guard and who, under the direction of the Coast Guard District Commander, is in charge of a marine inspection zone, described in 33 CFR part 3, for the performance of duties with respect to the inspection, enforcement, and administration of vessel safety and navigation laws and regulations. The “cognizant OCMI” is the OCMI who has immediate jurisdiction over a vessel for the purpose of performing these duties.

3. *Policy* means a specific statement of principles or a guiding philosophy that demonstrates a clear commitment by management, or a statement of values or intentions that provide a basis for consistent decision making.

4. *Safety Management System* or *SMS* means a structured and documented system that enables personnel involved in vessel operations or management, as identified in the SMS, to effectively implement the safety and environmental protection requirements of this subchapter, and is routinely exercised and audited.

5. *Tow* means the barge(s), vessel(s), or object(s) being pulled, pushed, or hauled alongside a towing vessel.

6. *Towing vessel* means a commercial vessel engaged in or intending to engage in the service of pulling, pushing, or hauling alongside, or any combination of pulling, pushing, or hauling alongside.

7. *Towing Safety Management System* or *TSMS* means an SMS for a towing vessel as described in part 138 of this subchapter.

8. *Workboat* means a vessel that pushes, pulls, or hauls alongside within a worksite.

## **RECOMMENDATIONS**

The subcommittee makes two recommendations to the Coast Guard

1- Because of the lack of compelling evidence of the need for an exemption for “occasional” towing, as well as the lack of a similar exemption within other subchapters of 46 CFR, and because a clear path already exists for vessel owners and operators to request temporary or one-time permits for non-standard operation, and because the Coast Guard neglected to implement a standard protocol for the issuance and tracking of such “occasional” exemptions; the subcommittee *most strongly* recommends that the term “occasional” and the exemption for vessels engaged in “occasional” towing be struck from Subchapter M.

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2- In the case that the Coast Guard finds that it would like to retain the exemption for “occasional towing”, the subcommittee *highly* recommends that the following criteria are established for the issuance, inspection, and tracking of vessels requesting an exemption from Subchapter M under the “occasional towing” definition.

a. The subcommittee agrees that the occasional towing exemption should be handled by the Coast Guard in the same manner that other operational exemptions are handled- with the oversight of the local OCMI, but with recordkeeping and the ability to track at the District and National levels by way of permits and entries in MISLE or other databases.

b. Occasional permits for exemption should be issued no more than twice a year to any vessel.

c. Occasional permits should be given for a *specific* tow activity and for a specified route and duration. The local OCMI should provide specific oversight and inspection of the towing plan, tow arrangement, credentials of towing officers involved, provenance, testing and certification of towing gear, and the safety management plan that ensures that additional safety criteria as typically required by Subchapter M is adhered to.

d. Typical towing activities that should be permitted as “occasional” towing should be limited to tows that are not normally occurring parts of a vessel’s normal business.

## **AUTHORITIES**

1. 46 United States Code

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**Enclosure (1) TSAC Representatives and Subcommittee Participants**

<b><u>TSAC Members</u></b>		
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Enclosure (2) TASK Statement

**TOWING SAFETY ADVISORY COMMITTEE (TSAC) TASK STATEMENT**

**Task # 20-01**

I. TASK TITLE

**Recommendations for the Criteria Used to Apply the Term “Occasional Towing”**

Abbreviated: *Occasional Towing*

II. BACKGROUND

46 CFR §136.105(a)(5) states that Subchapter M is applicable to all U.S. flagged towing vessels except when the vessel is inspected under other subchapters and performs *occasional towing*.

During the spring 2019 TSAC meeting, the public provided comments expressing concerns regarding the lack of a clear and explicit definition for the term *occasional towing*. It is the marine industry’s contention that the ambiguity of the term *occasional towing* has resulted in the inconsistent implementation of Subchapter M across Officer in Charge, Marine Inspection (OCMI) Zones and has created confusion amongst vessel operators who are eager to learn what methodology the U.S. Coast Guard uses when applying such a term.

III. DISCUSSION

The U.S. Coast Guard has provided the following clarification on the meaning of *occasional towing* within the Frequently Asked Questions repository:

***Request that the Coast Guard provide a definition of “occasional towing” as it is used in 46 CFR §136.105(a)(5), which exempts “a vessel inspected under other subchapters of this chapter that may perform “occasional towing” from Subchapter M.***

*“Occasional towing” is described as engaged in the “infrequent” and “irregular” act of commercial towing (assistance towing exempt).*

*“Infrequent” describes engaged in towing a minority amount of time.*

*“Irregular” describes towing not on an established and routinely scheduled route or operation.*

IV. TASK

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## TSAC Subcommittee Task 20-01 (Occasional Towing)

The U.S. Coast Guard requests that TSAC identify the parameters OCMI's should use to determine whether a vessel inspected under subchapters other than Subchapter M performs *occasional towing*. Take into consideration the type of service that a vessel is constructed and certified to perform when drafting your report. If a vessel is purpose built as a towing vessel, then *occasional towing* should not apply. In completing this task, please provide written examples of vessel operations that the U.S. Coast Guard should consider *occasional towing*. Such examples should account for and describe the infrequent and irregular nature of the operation.

### V. ESTIMATED TIME TO COMPLETE TASK

TSAC will provide an Interim Final Report to the Coast Guard at its Fall 2020 meeting.

### VI. COAST GUARD TECHNICAL REPRESENTATIVES

Mr. Scott Kuhaneck, 202-372-1221, [thomas.s.kuhaneck@uscg.mil](mailto:thomas.s.kuhaneck@uscg.mil)

Mr. Erik Johnson, 202-372-1216, [erik.l.johnson@uscg.mil](mailto:erik.l.johnson@uscg.mil)

### VII. TSAC CONTACT

Laura Wilcox – Chair

Eric Johansson- Vice Chair

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